

REMARKS

Applicants gratefully acknowledge courtesies extended in the grant of an interview by Dr. Li at the USPTO for June 1, 2006 (“Interview”). Claims 29, 30, 33-49 and 52-72 are currently pending. Claims 59 has been amended to distinguish it from claim 29 in response to the claims objection. No new matter has been added by virtue of this amendment.

35 U.S.C. §103

Claims 29, 30, 33-49, 52, 59, 60, 61, and 68-, and 69 stand rejected under 35 U.S.C. §103 (a) over Newby et al (Curr Opin Cardiol 1999:14:489-94) in view of Waugh et al (Circ Res 1999:84:84-92) and Soares et al (J Immunol 1998:161:4572-82).

Claims 53-55 and 62-64 stand rejected under 35 U.S.C. §103 (a) over Newby et al (Curr Opin Cardiol 1999:14:489-94) in view of Waugh et al (Circ Res 1999:84:84-92) and Soares et al (J Immunol 1998:161:4572-82) in further view of Hardy et al (J Virol 1997:71:1842-49).

Claims 56-58 and 65-67 stand rejected under 35 U.S.C. §103 (a) over Newby et al (Curr Opin Cardiol 1999:14:489-94) in view of Waugh et al (Circ Res 1999:84:84-92) and Soares et al (J Immunol 1998:161:4572-82) in further view of Qing et al (J Virol 1997:71:5663-67).

Claims 70-72 stand rejected under 35 U.S.C. §103 (a) over Vasselli et al. (Cardiovasc. Res. 1997: 35: 459) in view of Soares et al (J Immunol 1998:161:4572-82).

Applicants respectfully traverse the rejections.

USSN 09/863,803
Jeffrey J. Rade, et al.
Page 10

Applicants file herewith a declaration under 37 CFR 1.131 stating that they conceived of the invention prior to October 1998 and show diligence through the filing of the provisional application on May 22, 2000.

Applicants have thereby shown that they invented the claimed methods prior to the publication of the Newby et al, Waugh et al and Soares et al references. Thus, these references are not available to be cited against the claims. Accordingly, Applicants request the withdrawal of the rejections and allowance of the claims.

It is believed that the application is in condition for allowance, which action is earnestly solicited. Although it is not believed that any fee is needed to consider this submission, the USPTO is authorized to charge our deposit account no. **04-1105** should such fee be deemed necessary.

Respectfully submitted,

Date: December 7, 2006
By: 

Stephana E. Patton, Ph.D.
Reg. No. 50,373
Attorney for Applicant(s)
EDWARDS ANGELL PALMER & DODGE, LLP
P. O. Box 55874
Boston, Massachusetts 02205
Tel. (617) 439-4444
Fax: (617) 439-4170
Customer No.: 21874